

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff,

Plaintiff,

v.

SOCIETE GENERALE PRIVATE BANKING
(SUISSE) S.A. (*f/k/a* SG Private Banking Suisse
S.A.), individually and as successor in interest to
Societe Generale Private Banking (Lugano-
Svizzera) S.A.; SOCGEN NOMINEES (UK)
LIMITED; LYXOR ASSET MANAGEMENT
INC. (*f/k/a* SG Asset Management, Inc.), as
General Partner of SG AM AI Premium Fund
L.P.; SG AUDACE ALTERNATIF (*f/k/a*
SGAM AI Audace Alternatif), now acting by
and through its manager, Lyxor Asset
Management S.A.S.; SGAM AI EQUILIBRIUM
FUND (*f/k/a* SGAM Alternative Diversified
Fund), now acting by and through its liquidator,
KPMG Advisory Sarl; LYXOR PREMIUM
FUND (*f/k/a* SGAM Alternative Multi Manager
Diversified Fund), now acting by and through its
trustee, Societe Generale S.A.; SOCIETE
GENERALE S.A., as Trustee for Lyxor

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation
(Substantively Consolidated)

Adv. Pro. No. 12-01677 (CGM)

Premium Fund and Successor in Interest to
Banque de Reescompte et de Placement a/k/a
Barep and to Societe Generale Asset
Management Banque d/b/a Barep; SOCIETE
GENERALE LUXEMBOURG (f/k/a Societe
Generale Bank & Trust S.A.); OFI MGA
ALPHA PALMARES (f/k/a Oval Alpha
Palmares); OVAL PALMARES EUROPLUS;
and UMR SELECT ALTERNATIF;

Defendants.

STIPULATION AND ORDER
EXTENDING THE SG DEFENDANTS' TIME TO APPEAL

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendants Societe Generale Private Banking (Suisse) S.A. (f/k/a SG Private Banking Suisse S.A.), individually and as successor in interest to Societe Generale Private Banking (Lugano-Svizzera) S.A.; Socgen Nominees (UK) Limited; Lyxor Asset Management Inc. (f/k/a SG Asset Management, Inc.), as General Partner of SG AM AI Premium Fund L.P.; SG Audace Alternatif (f/k/a SGAM AI Audace Alternatif), now acting by and through its manager, Lyxor Asset Management S.A.S.; SGAM AI Equilibrium Fund (f/k/a SGAM Alternative Diversified Fund), now acting by and through its liquidator, KPMG Advisory Sarl; Lyxor Premium Fund (f/k/a SGAM Alternative Multi Manager Diversified Fund), now acting by and through its trustee, Societe Generale S.A.; Societe Generale S.A., as Trustee for Lyxor Premium Fund and Successor in Interest to Banque de Reescompte et de Placement a/k/a Barep and to Societe Generale Asset Management Banque d/b/a Barep; and Societe Generale Luxembourg (f/k/a Societe Generale Bank & Trust S.A.) (collectively, the “**SG Defendants**”), through their respective counsel.

RECITALS

A. On April 29, 2022, the SG Defendants filed their *Motion to Dismiss the Complaint* in this Adversary Proceeding, No. 12-01677 (CGM) [ECF No. 143].

B. On October 7, 2022, following briefing by the parties, this Court issued its *Memorandum Decision Denying Defendants' Motion to Dismiss* [ECF No. 197].

C. On October 18, 2022, based on the Memorandum Decision, this Court entered its *Order Denying the SG Defendants' Motion to Dismiss the Complaint* [ECF No. 202] (the “**October 18, 2022 Order**”).

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the October 18, 2022 Order is 14 days after entry of the order, *i.e.*, on November 1, 2022.

E. The SG Defendants seek an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party's motion that is filed within the time prescribed by Rule 8002, *i.e.*, by November 1, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension for up to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, up to November 22, 2022.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to the SG Defendants' request to extend their time to appeal to November 17, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by the SG Defendants for extension of time for filing (a) a notice of appeal of the October 18, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “**Required Filings**”), through and including November 17, 2022 (the “**Extended Filing Deadline**”).

2. The Trustee consents to the SG Defendants’ motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if the SG Defendants wish to appeal the October 18, 2022 Order, the SG Defendants shall make the Required Filings by the Extended Filing Deadline.

[Signatures appear on the following page.]

Dated: October 21, 2022
New York, New York

**WINDELS MARX LANE &
MITTENDORF, LLP**

By: /s/ Howard L. Simon
156 West 56th Street
New York, New York 10019
Telephone: (212) 237-1000
Facsimile: (212) 262-1215
Howard L. Simon
Email: hsimon@windelsmarx.com
Kim M. Longo
Email: klongo@windelsmarx.com
John J. Tepedino
Email: jtepedino@windelsmarx.com

*Special Counsel for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and for the Chapter 7 Estate of
Bernard L. Madoff*

**ALLEGAERT BERGER &
VOGEL LLP**

By: /s/ John F. Zulack
111 Broadway, 20th Floor
New York, New York 10006
Telephone: 212.571.0550
Facsimile: 212.571.0555
John F. Zulack
Email: jzulack@abv.com
David A. Shaiman
Email: dshaiman@abv.com

Attorneys for the SG Defendants

MAYER BROWN LLP

By: /s/ Christopher J. Hought
1221 Avenue of the Americas
New York, New York 10020
Telephone.: (212) 506-2500
Steven Wolowitz
Email: swolowitz@mayerbrown.com
Christopher J. Hought
Email: chought@mayerbrown.com
Bradley A. Cohen
Email: bacohen@mayerbrown.com

Attorneys for the SG Defendants

**Dated: October 24, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**